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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/727,841	11/30/2000	Mark Buonanno	2705-696	3913

20575 7590 10/17/2007  
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PORTLAND, OR 97204

EXAMINER
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BAYARD, DJENANE M

ART UNIT	PAPER NUMBER
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2141

MAIL DATE	DELIVERY MODE
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10/17/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/727,841	<b>Applicant(s)</b> BUONANNO ET AL.	
	<b>Examiner</b> Djenane M. Bayard	<b>Art Unit</b> 2141	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 April 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3,7,8,10-16,19,20,22-25,27-29,31,32 and 36 is/are pending in the application.
- 4a) Of the above claim(s) 1,3,7,8,10-16,19,20,22-24,29,31,32 and 36 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 25,27 and 28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                            |                                                                                         |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                           | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

### **DETAILED ACTION**

1. This is in response to amendment filed on 4/24/07 in which claims 1, 3, 7-8; 10-16, 19-20, 22-25, 27-29, 31-32 and 36 are pending.

### ***Election/Restrictions***

2. Newly amended claims 1, 3, 7-8, 10-16, 19-20, 22-24, 29, 31-32 and 36 directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

- a. Claims 1, 3, 7-8, 10-14 and 36 present an independent and distinct invention from the invention previously presented. Furthermore, claims 1, 3, 7-8 and 10-14 are dealing with forwarding workflow procurement packet processes between a first customer and a second customer and determining whether final receipts are sent between the transactional parties. There would be a serious burden on the examiner if restriction is not required because the inventions have acquired a separate status in the art due to their recognized divergent subject matter, restriction for examination purposes as indicated is proper. Claims 1, 3, 7-8, 10-14 and 36 are classified in class 705 subclass 11.

- b. Claims 15-16, 19-20, and 22-24 present an independent and distinct invention from the invention previously presented. Furthermore, claims 15-16, 19-20, 22-24 are dealing with forwarding workflow procurement packet process representing one or more purchasing transactions, filtering the identified agent listing according to whether the respective job skills correspond to the detected exception detected filtering the identified agent listing according to

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whether the respective schedules correspond to a time that the exceptions are detected. There would be a serious burden on the examiner if restriction is not required because the inventions have acquired a separate status in the art due to their recognized divergent subject matter, restriction for examination purposes as indicated is proper. Claims 15-16, 19-20 and 22-24 are classified in class 379, subclass 265.11.

c. Claims 29 and 31-32 present an independent and distinct invention from the invention previously presented. Furthermore, claims 29, 31-32 are dealing with determining whether business purchasing transactions are consummated, skill information for making skill based decisions, scheduling information for making scheduling-based routing decisions when selecting the appropriate persons and load balancing information for making Interactive Voice Response (IVR) infrastructure load routing decision. There would be a serious burden on the examiner if restriction is not required because the inventions have acquired a separate status in the art due to their recognized divergent subject matter, restriction for examination purposes as indicated is proper. Claims 29 and 31-32 are classified in class 379, subclass 265.12

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 1, 3, 7-8, 10-16, 19-20, 22-24, 29, 31-32 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

### ***Response to Arguments***

3. Applicant's arguments filed 4/24/07 have been fully considered but they are not persuasive. As per claim 25, Applicant argues that Gopal and Carleton were both filed after the present application and features of these applications are unsupported by their respective provisional applications and therefore are not prior art. However, Gopal clearly teaches wherein Notification alerts are sent (See page 14), However, Gopal teaches sending electronic messages, or other information, to conduct business over a digital net such as the Internet. Aspects of the system provide for secure transfer of messages, tracking, monitoring, archiving, automated responses, statistics gathering and other features. (See provisional, page 3). However, Carleton's provisional application ( No. 60/170471) clearly teaches a method and system for real-time monitoring and administration of a computer network. The invention permits, direct, real-time, on-the-fly secure, interaction with business rules as determined by the network administrator for the business. The business rules associated with the invention are the cornerstone of the system's functionality. A business determines rules that govern system and device operation. The invention then provides an interface to apply the business rules to network monitoring, and the interface will monitor network devices according to the rules. The invention will notify designated users according to user defined escalation levels when a device violates a rule (See page 6, lines 10-16).

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4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 25 and 27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2001/0032263 to Gopal et al in view of U.S. Patent Application No. 20010044840 to Carleton and further in view of U.S. Patent No. 6,289,333 to Jawahar et al.

a. As per claims 1, 15, 25 and 29, Gopal et al teaches a method exceptions in a business-to-business transaction, comprising the steps of: monitoring an internet gateway, through which the business-to business transaction passes for timer expiration exceptions issued when a sending application does not receive a confirmation within a predetermined amount of time (See page 6, paragraph [0048], *when a receipt for a message is not present, the network controller is notified, [provisional page 11 and page 14]*), transaction exceptions generated when content, format,

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security availability or other characteristics of the transaction are out of pre-determined boundaries (See page 2, paragraph [0021], See provisional pages, 11, 14, 28-29, 174-175) to work exceptions wherein if an exception issued when a message infrastructure cannot support the message transaction ( See page 4, paragraph [0037 ], *if the destination connector is nonresponding and neither route point processor can complete transmission, and error condition is encountered....Both the primary and secondary route point processor will notify the network controller indicating that a transmission path to the destination connector cannot be established, See provisional pages 11, 14, 28, 29 and 174-175*) is detected: using an intelligent contact manager from a hierarchical list of designated persons to automatically locate an authorized representative, wherein the authorized representative is a designated person who has authority to consummate the business-to-business transaction; using a unified communication system to automatically notifying the authorized representative of the exception (See page 2, paragraph [0021], See provisional pages 11, 14, 28, 29 and 174-175); However, Gopal et al fails to teach If said authorized representative fails to send a confirmation acknowledging notification of said exception, repeating said using an intelligent contact manager and said using unified communication system to locate and to notify another authorized representative that is different from the previously located authorized representative from said hierarchical list until receipt of said confirmation from any notified authorized representative; and if necessary, automatically establishing a collaboration session between representatives of the business-to-business transaction.

Carleton teaches a method and system for real-time monitoring and administration of computer networks. Furthermore, Carleton teaches a system interface is capable of monitoring a

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variety of devices according to these business rules and notifies designated users of business rule violations within the network. Notifications are preferably generated according to user defined escalation levels in which an alerting notification is escalated to a new set of parties and/or notification methods in the escalation list if a proper response to the condition causing the alert has not been registered within a predetermined interval (See page 3, paragraph [0053]).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate the teaching of Carleton in the claimed invention of Gopal et al in order to encourage correction of business rule violations at lower organizational levels, such that persons higher up in the organization need only be notified for grievous violations, and for violations which have not been handled in a timely manner (See page 3, paragraph [0053]).

Jawahar et al teaches establishing a web collaboration session between representatives of the business-to-business transaction to resolve said exceptions (See col. 2, lines 12-17 and col. 3, lines 60-62).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate establishing a collaboration session between representatives of the business-to-business transaction wherein the web collaboration session comprises page sharing, follow-me, form share, text chat, application demonstration, application sharing and white boarding functions as taught by Jawahar et al in the claimed invention of Gopal et al in view of Carleton in order to retrieve resources provided from one client to the other client (See page 2, lines 16-18)



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b. As per claim 27, Gopal et al teaches wherein the business-to-business transaction is handled through e-mail and LDAP containing XML data (See page 2, paragraph [0009 and 0021])

c. As per claim 28, Gopal et al teaches wherein the exception is handled by email (See page 2, paragraph [0021]).

### *Conclusion*

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Djenane M. Bayard whose telephone number is (571) 272-3878.

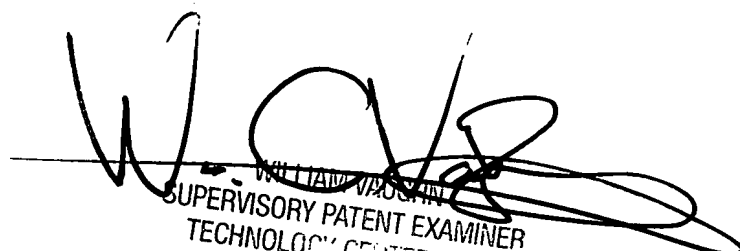
The examiner can normally be reached on Monday- Friday 5:30 AM- 3:00 PM..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (571) 272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Djenane Bayard

Patent Examiner

  
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